

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-806925 AND ALL
OTHER SEAMAN DOCUMENTS

Issued to: Isaac Jones

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1539

Isaac Jones

This appeal has been taken in accordance with Title 46 United States Code 239(b) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 6 April 1965, an Examiner of the United States Coast Guard at New Orleans, Louisiana revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The specification found proved alleges that, on 9 December 1959, Appellant was convicted by the United States District Court for the Eastern District of Louisiana, New Orleans Division, a court of record, for violations of narcotic drug laws of United States (lawful sale of heroin capsules on 15 April, 20 April and 8 May 1959).

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of guilty to the charge and specification.

The Investigating Officer introduced evidence of the conviction alleged. After a trial by jury, Appellant was sentenced to imprisonment for six years but was free until 2 February 1961 as the result of an appeal from the District Court's decision which was affirmed by the Court of Appeals.

No evidence was submitted on behalf of Appellant.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specification had been proved and entered the order of revocation. On appeal it submitted that because of the delay in taking actions against Appellant's document, the three-year waiting period to apply for a new document should be reduced to one year from the date of the Examiner's decision.

APPEARANCE: Ernest N. Morial, Esquire, New Orleans, Louisiana, of Counsel.

OPINION

The record does not show when Appellant was released from custody, but it is clear that he has not sailed on United States

merchant vessels since the conviction. There is no evidence of rehabilitation relative to narcotics and it is improbable that sufficient time has elapsed since Appellant's release to produce persuasive evidence of rehabilitation.

In view of the above and the fact that the lengthy sentence of six years indicates serious involvement with narcotics, the request to waive two years of the three-year waiting period to apply for a new document is denied.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 6 April 1965, is AFFIRMED.

E.J. Roland
Admiral U.S. Coast Guard
Commandant

Signed at Washington, D.C., this 30th day of December 1965.

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NARCOTICS STATUTE

rehabilitation, absence of evidence of
waiver denied